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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/586,292	06/02/2000	Robert P. Schoppman	2000-0071	6377

7590 04/24/2002
Robert F Frijouf
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201 East Davis Boulevard
Tampa, FL 33606

EXAMINER

AHMAD, NASSER

ART UNIT	PAPER NUMBER
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1772

DATE MAILED: 04/24/2002

4

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/586,292

Applicant(s)
Schoppman

Examiner
Nasser Ahmad

Art Unit
1772



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above, claim(s) 11 and 12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 3 20) ☐ Other: _____

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Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-10, drawn to a transfer apparatus (product), classified in class 428, subclass 41.7.
 - II. Claims 11 and 12, drawn to a method of transferring a template, classified in class 156, subclass 249.
2. The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be show: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in materially different process of using that product (MPEP § 806.05(h)). In the instant case, the product as claimed can be used in a materially different process such as affixing the foam member to a wall surface and using the foam member for temporarily adhering objects to wall surface.
3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
4. During a telephone conversation with Robert Frijouf on January 15, 2002, a provisional election was made with traverse to prosecute the invention of Group I, claims 1-10. Affirmation of this election must be made by applicant in replying to this Office

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action. Claims 11 and 12 are drawn from further consideration by the examiner, 37 CFR 1.142 (b), as being drawn to a non-elected invention.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Luhmann (6,004,665) in view of Cole (5,622,761).

Luhmann relates to an adhesive tape comprising a foam backing coated on both sides with adhesive composition having different formulation and strength (abstract and col. 5, lines 31-61). The foam member is flexible to be bent to conform to a complex object. The foam is also compressible and has a thickness of 175 mm to 30 mm (col. 5, lines 1-2). However, Luhmann fails to expressly teach that the adhesives are weak and strong, respectively. Cole discloses a double-sided adhesive tape which allows for differential releasability based on either or both of chemical or physical means (abstract). The adhesive can be stronger and weaker (col. 3, line 65), as such. Cole teaches the advantage of using weaker and stronger adhesives on opposite sides of a double-sided adhesive tape to provide for varying the releasability of two objects adhered together. Therefore, it would have been obvious to one having ordinary skill in the art to utilize Cole's teaching of using weaker and stronger adhesive on opposite sides of a double-

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sided tape in the invention of Luhmann to provide for differential releasability of the double-sided tape.

7. Claims 6 and 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Luhmann in view of Cole and Shizukuda (WO-94/14912).

Luhmann and Cole, both discussed above, fails to teach the presence of release liner on the adhesive surface. Shizukuda discloses a double-sided adhesive tape wherein each adhesive is covered by a release liner (fig-4) to provide for protection from adverse environment. Therefore, it would have been obvious to one having ordinary skill in the art to utilize Shizukuda's teaching of providing a release liner on each adhesive surface of a double-sided adhesive tape in the invention of Luhmann for purposes of protection.

Further, the size of the release liners can be different based on graspability enhancement and based on adhesive surfaces to be covered.

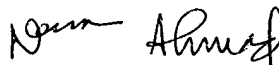
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nasser Ahmad whose telephone number is 703 308-4424. The examiner can normally be reached on Monday-Thursday 7:30 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 703 308-4251. The fax phone numbers for the organization where this application or proceeding is assigned are 703 872-9310 for regular communications and 703 872-9311 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 305-0661.


NASSER AHMAD
PRIMARY EXAMINER

Ahmad/af
April 22, 2002

REFERENCE COPYING

SPECIAL INSTRUCTIONS

DATE

3-21-02

APPLICATION SERIAL NUMBER

09/586,292

NUMBER OF COPIES: Standard copy production for regular applications is 2 copies; for PCT applications it is 4 copies. If additional copies are required, please note below.

ADDITIONAL COPIES REQUIRED

RETURN ORIGINAL(S) WITH CASE

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OTHER:
